

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
3 Richmond Division

4 United States of America,

5 plaintiff

6 versus

3:10 CR 151

7 Faye W. Kriete,

8 defendant

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13
14 before: Honorable Robert E. Payne
15 Senior United States District Court Judge

16 Sentencing

17
18 December 10, 2010
19 Richmond, Virginia

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22 GILBERT F. HALASZ RMR
23 Official Court Reporter
24 U. S. Courthouse
25 701 East Broad Street
 Richmond, VA 23219
 (804) 916-2248

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APPEARANCE

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Michael Moore, ESQ.,

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Assistant United States Attorney

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For the United States

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Christopher Collins, Esq.

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for the defendant

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The defendant in her own behalf

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1 THE CLERK: Case number 3:10 CR 151.

2 United States OF America versus Faye W. Kriete.

3 Mr. Michael Moore represents the United States.

4 Mr. Christopher Collins represents the
5 defendant.

6 Are counsel ready?

7 MR. MOORE: Ready, Your Honor.

8 MR. COLLINS: Ms Kriete is ready.

9 THE COURT: Good afternoon.

10 MR. MOORE: Your Honor, Ms Kriete is before
11 The Court today for sentencing following a June 10
12 guilty plea to a criminal information which charged
13 her with bank fraud, violation of title 18 United
14 States Code section 1344. The maximum penalty upon
15 conviction for that offense is 30 years
16 imprisonment, five years supervised release, one
17 million dollar fine, and a hundred dollar special
18 assessment.

19 The advisory guideline range is four to ten
20 months. There are no objections to the presentence
21 report.

22 When we were last before The Court on October
23 1st The Court had indicated it was considering
24 upward departure or variance and directed further
25 briefing, which has been conducted in accordance

1 with the schedule set by The Court. Both parties
2 are in agreement that an upward departure is not
3 warranted.

4 THE COURT: All right.

5 There are no objections to the presentence
6 report, are there?

7 MR. MOORE: That's correct, Your Honor.

8 MR. COLLINS: That's correct.

9 THE COURT: Ms Kriete, I'm not sure whether I
10 went through this with you or not.

11 Stand up, please. Have you reviewed the
12 presentence report?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Did you understand it?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Have you talked to with Mr. Collins
17 about it?

18 THE DEFENDANT: Yes.

19 THE COURT: Are there any objections to it?

20 THE DEFENDANT: No.

21 THE COURT: You may be seated.

22 The presentence report will be accepted,
23 adopted and filed as tendered. It will be placed in
24 the record. It will be under seal. It will be
25 available in the event of any appeal except for the

1 confidential sentencing recommendation.

2 MR. COLLINS: If I might, Judge.

3 THE COURT: Yes.

4 MR. COLLINS: I want to bring to The Court's
5 attention an error that I made in the brief the
6 Court asked us to file on page --

7 THE COURT: Which brief? You all filed the
8 sentencing position, or the --

9 MR. COLLINS: Yes.

10 THE COURT: What?

11 MR. COLLINS: Yes.

12 THE COURT: Which one, the most recent one or
13 earlier?

14 MR. COLLINS: Most recent one, Judge.

15 THE COURT: Let me get that. Where is it?

16 MR. COLLINS: Page four.

17 THE COURT: Page four.

18 MR. COLLINS: Number three.

19 THE COURT: All right.

20 Allegation five, et cetera?

21 MR. COLLINS: Correct. The bottom half of that
22 I talk about \$3,500 refund check that had been sent
23 to Mr. Kriete. I implied that because she didn't
24 know about it he must have forged her signature. Ms
25 Kriete quickly pointed out that that was not the

1 case. That she did not know he had the check. Had
2 received \$715, or \$50, for her half of that, but she
3 didn't -- it was not notated that is what it was
4 for, and she did not know. At a subsequent
5 separation negotiation meeting Mr. Kriete came with
6 the check and she negotiated it. Any implications I
7 made with regard to his conduct were incorrect in
8 that regard.

9 THE COURT: All right.

10 Mr. Moore?

11 MR. MOORE: Does The Court want me to address
12 both the upward departure and issue at sentencing?

13 THE COURT: Do it all at once.

14 MR. MOORE: All right.

15 Your Honor, as far as an upward departure goes,
16 I will rely largely on the briefs, the written
17 pleading, that has already been filed. The
18 government's position is that the guidelines
19 adequately reflect the aggravating aspects of this
20 defendant's conduct. As I indicate, the government
21 was unable to find any basis for an upward departure
22 or variance here. I would add that one thing, one
23 thing I should have brought up in the brief that I
24 did not. One of the principles that underlie the
25 guidelines is to the extent possible like cases

1 ought to be treated alike. And for that reason the
2 government contends that if this The Court was to
3 impose some sort of variant, it is possible there
4 could be an unwarranted disparity between Ms Kriete
5 and like-situated defendants.

6 THE COURT: Who are they?

7 MR. MOORE: Well, there is no distinguishing
8 principle, or no factor that aggravates Ms Kriete's
9 conduct in this case. From the government's
10 perspective I have been unable to find one.
11 Therefore, my contention is there is significant
12 possibility that sentencing her outside the
13 guidelines could create unwarranted disparity here.

14 THE COURT: But you don't have any specific
15 comparison.

16 MR. MOORE: No, Your Honor, I don't.

17 THE COURT: I didn't see any in the report.

18 MR. MOORE: No, Your Honor.

19 THE COURT: All right.

20 MR. MOORE: As far as sentencing within the
21 guidelines goes, of particular concern to the
22 government is the degree of planning and cunning
23 that was involved in this crime. And certainly it
24 is not the government's position that the fact that
25 this took place against the back drop of a bitter

1 divorce is any sort of mitigation.

2 The other area of concern that I have is that
3 Ms Kriete, both personally and through counsel, has
4 engaged in lot of statements or made a lot of
5 statements that appear to be minimizing. That is
6 probably a very charitable way of putting it. That
7 is a further cause for concern as far as the
8 government is concerned. So I would ask The Court
9 take all that into account.

10 THE COURT: What do you think is appropriate
11 sentence?

12 MR. MOORE: Your Honor, I think a sentence of
13 incarceration within that guideline range is
14 appropriate.

15 THE COURT: High end or low end --

16 MR. MOORE: Your Honor --

17 THE COURT: -- middle, or where?

18 MR. MOORE: -- given the fact she has no prior
19 criminal record, I would say mid range or the mid
20 point of the guidelines would be appropriate.

21 THE COURT: All right.

22 MR. MOORE: I would also ask The Court to
23 impose restrictions on her special condition of
24 supervised release with respect to her employment in
25 terms of not being entrusted with funds or access to

1 other persons financial information. And also that
2 she be barred from any direct or indirect contact
3 with Mr. Kriete.

4 THE COURT: How can I do that?

5 MR. MOORE: I think The Court can impose
6 reasonable restrictions of supervised release.

7 THE COURT: My question is, why is that a
8 reasonable condition? Why is it linked to the
9 offense? Here, you know, the law in the Fourth
10 Circuit is you can impose a special condition. But
11 the special conditions have been to be reasonably
12 related to the offense of conviction. And I am not
13 quite sure why that bar fits the bill here. And so
14 you obviously have a feeling about it, and a reason
15 for it. I was soliciting your view. I know I can
16 be done, but the question is, what is the nexus?

17 MR. MOORE: Nexus would be the back drop
18 behind the case, fact that Mr. Kriete is in fact a
19 victim.

20 THE COURT: So what does indirect and direct
21 contact mean?

22 MR. MOORE: Well, indirect contact would be
23 contact through intermediaries or something of that
24 nature, Your Honor. Direct contact would be --

25 THE COURT: Do you mean communication?

1 MR. MOORE: Yes, Your Honor.

2 THE COURT: Contact has a lot of different
3 meanings. If they walk out and she says, I am sorry
4 and shakes his hand, that is contact. Are you
5 intending to bar that? Or intending to bar
6 communication?

7 MR. MOORE: Well, I would say communication
8 and contact, Your Honor.

9 THE COURT: Both.

10 MR. MOORE: Out of an abundance --

11 MR. COLLINS: If it helps, we would agree.

12 THE COURT: To both?

13 MR. COLLINS: To both.

14 THE COURT: All right. I just needed to know
15 what he wanted.

16 MR. MOORE: Yes, Your Honor.

17 MR. COLLINS: Judge, I am not going to belabor
18 the point. In fact, I had some concern that my last
19 position paper might have been offensive to The
20 Court. I apologize if it was in any regard. I did
21 not mean it to be.

22 THE COURT: I didn't take anything personal
23 with it if it was. It was, I thought that it was
24 minimizing something that couldn't be minimized,
25 though I thought it was wrong. But that is

1 different than taking offense at it.

2 MR. COLLINS: That is my fault, not hers.

3 My point was, I know The Court was concerned,
4 was concerned about allegations that were just that.
5 They are bare allegations. There was no evidence to
6 support any of them. The police have looked into
7 all of these complaints, and they found nothing
8 there. So, while I will tell The Court my original
9 conversations with the government were that home
10 incarceration would be appropriate, I think that
11 train left the station. If The Court finds it
12 necessary to incarcerate Mrs. Kriete, I ask that at
13 least a portion of that she be allowed to do on home
14 incarceration. And that she be given a reporting
15 date.

16 Thank you.

17 THE COURT: Mr. Moore, a moment ago when
18 Mr. Collins was speaking, the gentlemen in the back
19 there raised his hand. That is Mr. Kriete; is it
20 not?

21 MR. MOORE: That is, Your Honor.

22 THE COURT: All right.

23 Does he wish to make a statement, or what was
24 the situation?

25 MR. MOORE: I will check with him. I

1 assumed --

2 THE COURT: Why don't you go do that?

3 MR. MOORE: Yes, sir.

4 MR. KREITE: Yes, I care to speak.

5 MR. MOORE: He wishes to add to his comment.

6 THE COURT: Come to the lectern, please, so I
7 can hear what you have to say.

8 MR. KREITE: Your Honor, back on October 1st
9 when we were in this court I explained some things
10 to you about the situation and accusations that I
11 have made. I have documentation to prove every bit
12 of it. I just been denied that from the law
13 enforcement. I have been to -- Hanover County has
14 been doing this to me. I have filed a complaint
15 against Hanover County for police misconduct. And
16 hopefully that is on-going.

17 I have been to the state police with the same
18 story. And I have facts and evidence to prove every
19 bit of it. It is not a fact or some kind of
20 fictional thing. It is real, it is criminal, it
21 happened. If someone -- I have a private
22 investigator report, background check, and it tells
23 the whole story if anybody would look at it. It
24 probably, the private investigator that did the
25 check did not have access to the data bases that the

1 police have. So her background check shows what she
2 is, what she has done, and that she has been doing
3 for the last 20 years. I have also done some
4 private investigating work on my own, and I am still
5 actually pursuing that to try to find out what the
6 hang up is on justice in this matter. I have a lot
7 of evidence that needs to be investigated.

8 She was originally charged with three crimes;
9 two of those crimes were dismissed or dropped to get
10 this guilty plea on one count.

11 There are three other. There is another count
12 of bank fraud. There is a count of check fraud.
13 And there is a count of forgery of a notary public's
14 signature, as well as mine, and both witnesses. I
15 have taken that to the Richmond police. They told
16 me they can't prove that that happened in Richmond,
17 so I would have to take it to Hanover. I have done
18 that. And every time I go to Hanover I make sure I
19 have a witness with me. I have never got as much as
20 a return phone call. In fact, the investigator
21 there told me, why don't you get Postal Inspector
22 O'Donnell to check on this. Postal Ed O'Donnell did
23 a brilliant job. He is the only man in law
24 enforcement that I have met or talked to yet that
25 was willing to do his job. That is why we are here

1 today. There is the tip of the iceberg. This
2 charge today is just the tip of the iceberg. There
3 is much more. There is also another victim involved
4 here --

5 THE COURT: Who is that?

6 MR. KREITE: -- nobody wants too hear about
7 either.

8 THE COURT: Who is that?

9 MR. KREITE: Her aunt.

10 THE COURT: Who?

11 MR. KREITE: Betsy Askew. She is recently
12 deceased. Their family will tell you the same thing
13 I just told you if somebody wanted to investigate
14 and find out what this case is really about.

15 I just lost my attorney. He bailed out on me
16 yesterday. So I no longer have an attorney. I have
17 to scramble. Legal fees are about to kill me, you
18 know.

19 I have suffered tremendously from this crime.
20 My credit was destroyed for four years. It is now
21 being repaired. I have two liens from the IRS right
22 now, and I am living in a 30-foot trailer, camp
23 trailer. Just about bankrupt because of this. And
24 there other crimes that still need to be
25 investigated. So I tried to be brief on

1 October 1st and just kind of -- but I am going
2 into more detail today, I understand that. But
3 these are facts that need to be known.

4 This charge that we are dealing with today is
5 just one of many. So, I asked you for an
6 investigation. You said you could not do that for
7 me. So I am asking someone to give me -- all
8 respect to the postal inspector, he did a great
9 job -- but the other law enforcement agencies in the
10 State of Virginia and in Hanover County in
11 particular, have almost damaged me as much as the
12 crimes that have been committed.

13 Stress, suffering, loss, I have had to sell
14 just about everything that I worked for my entire
15 life to keep a house from going into foreclosure and
16 keep from losing everything. My credit was already
17 destroyed by credit card fraud, the identity theft,
18 and the postal fraud. So, I mean, the facts on that
19 the credit card statements were actually re-directed
20 to her P. O. box and completely out of my control
21 after the crime was committed. That was the postal
22 fraud. That is the postal fraud. But apparently
23 that has been dismissed. I am not sure why. But
24 there is a lot more to this case, Your Honor.

25 THE COURT: You mean the United States

1 Attorney's Office didn't talk to you before they
2 accepted the plea?

3 MR. KREITE: They told me they could not talk
4 to me. It was United States case against Faye
5 Kriete.

6 I talked to --

7 THE DEFENDANT: Wait a minute. Wait a minute.
8 Wait just a minute. You were told by the United
9 States Attorney's office that the office couldn't
10 talk to you before they accepted a plea of guilty in
11 this case?

12 MR. KREITE: Yes, sir.

13 THE COURT: How about afterwards?

14 MR. KREITE: They only communicated with me
15 through my attorney, who I just lost yesterday.

16 THE COURT: Weren't they -- were they telling
17 you they couldn't talk to you, or they couldn't talk
18 to you -- wait a minute and listen -- except through
19 the lawyer?

20 MR. KREITE: That is right, Your Honor.

21 THE COURT: Which?

22 MR. KREITE: Only talk to me through my
23 attorney.

24 THE COURT: Did the U.S. Attorney, Mr. Moore,
25 did he talk to your attorney?

1 MR. KREITE: But he didn't tell me word for
2 word the conversation. Probably should have been a
3 three-way call, probably.

4 THE COURT: That is really between -- it may
5 have been, but that was up to your lawyer to arrange
6 for it. If he didn't do it, that is not Mr. Moore's
7 fault. Mr. Moore has a legal obligation and ethical
8 obligation to be careful to communicate with people
9 who are represented in matters where the United
10 States might have a position different than yours
11 only through a lawyer if you are represented.

12 MR. KREITE: I was, but I am no longer
13 represented.

14 THE COURT: We are at the point now -- I
15 understand that he didn't do anything wrong that I
16 can tell by communicating with your lawyer. Now,
17 whether your lawyer should have hooked you into a
18 telephone call was a different matter. That is
19 something you need to take up with your former
20 lawyer. Who was that.

21 MR. KREITE: Mr. Jennings, Grant Jennings.
22 That is why he dropped me as a client, because I had
23 to file a complaint against him with the bar. I
24 should have waited until after today, possibly. But
25 he was not communicating with me. I was calling.

1 He was telling me he was doing this and he wanted a
2 phone number, and he was going to take some sworn
3 statements from some people. And that wasn't done.
4 And I called on numerous occasions. In fact, I was
5 talking to an attorney in Petersburg to handle the
6 credit card company for me. And he said, well,
7 please call me back and let me know how that goes.
8 He says, please. I called him three times that day
9 without a response. And then I did get a quick
10 phone call saying he was going to work Saturday and
11 call me Saturday, I will have plenty of time to talk
12 to you. I got voice mail both times. So I got to
13 the point where I was not -- even my lawyer was
14 ignoring me. I have been ignored by the Hanover
15 Sheriff's Department. I have been ignored by the
16 state police. The only person that did not was
17 Postal Inspector O'Donnell, and I praise that man.
18 He did a good job, and he found all three counts
19 that he investigated. He did not go any further and
20 told me he would not go any further. Then one of
21 the three charges that were filed --

22 THE COURT: All right. Thank you, sir.

23 MR. MOORE: Before we go any further, I want
24 to make sure one thing is very clear for the record.
25 Before Ms Kriete was ever charged, and before any of

1 his, Mr. Kriete's, rights under the victim rights
2 act would have been triggered, myself and Mrs.
3 Olman sat down with him and his attorney at the U.S.
4 Attorney's office. We had a very lengthy meeting
5 with him in which I spelled out for him and his
6 attorney precisely what we were doing in this case,
7 and why we were doing it.

8 Now, I also explained to Mr. Kriete at that
9 time that neither myself nor Ms Olman could contact
10 him directly for the ethical reasons, my obligation
11 as an attorney in dealing with represented parties
12 barring me from dealing with represented parties.
13 Thereafter, and if Mr. Jennings were here he would
14 certainly confirm this, I had regular contact with
15 Mr. Jennings to update him about what was going on
16 with this case. I answered every question he had.
17 And he was certainly satisfied with the U.S.
18 Attorney's Office's efforts on behalf of Mr. Kriete.

19 THE COURT: All right.

20 Do you have anything to say?

21 MR. COLLINS: Well, I do, Judge. I will try to
22 keep it brief and try to keep it simple. I don't
23 doubt that this gentlemen has had an awful lot of
24 expenses. He started out with Mr. Beyer as his
25 divorce lawyer. You probably can't get more

1 expensive than that. They came to a separation
2 agreement. He hired Mr. Jennings to undo the
3 agreement. So they have been over it a couple
4 times.

5 Mr. Gainey is here and would be happy to tell
6 you that almost all --

7 THE COURT: Who is Mr. Gainey?

8 MR. COLLINS: Mr. Gainey is an attorney in
9 Hanover.

10 THE COURT: I know that, but, I mean, what is
11 his role?

12 MR. COLLINS: He was Ms Kriete's divorce
13 lawyer. And all of these things have been
14 negotiated in the separation agreement.

15 Typical of Mr. Kriete, since we have been in
16 this proceeding is him telling The Court -- he
17 didn't equivocate -- he told The Court the U.S.
18 Attorney's office didn't discuss it with him. When
19 The Court pushes, they had in fact discussed it with
20 him and through his attorney.

21 That is all i have.

22 THE COURT: All right.

23 Ms Kriete, do you have anything to say before
24 sentence is imposed? If you do you can come to the
25 lectern, and I will hear what you have to say.

1 THE DEFENDANT: No, sir.

2 THE COURT: All right.

3 All right.

4 Well, I have considered this case at some
5 considerable length twice now.

6 And, in fact, gave the parties an opportunity
7 to agree to the basic issues that were raised by
8 Mr. Kriete and to look into what he said at the
9 October 1 sentencing session. And I delayed the
10 sentencing in order to do that.

11 And therefore -- and I have considered the
12 positions of the parties. I have also considered
13 what Mr. Kriete had to say. It is the job of The
14 Court to sentence the defendant for the charges that
15 have been, of which she has been convicted. It
16 isn't the job of The Court to conduct investigations
17 or to take allegations that haven't been proven into
18 account at the sentencing. The United States has
19 considered these charges itself, and has concluded
20 that on the basis of information known by Mr. Kriete
21 that there is no basis for an upward variance
22 notwithstanding that The Court indicated that it
23 would consider one.

24 I believe that United States does not take
25 lightly a requirement of The Court to supplementally

1 brief the issues that were addressed.

2 Mr. Collins on behalf of Ms Kriete has in fact
3 addressed a number of the issues.

4 What has been done or not done by the state
5 authorities is beyond the province of the federal
6 courts to deal with. That just is something that in
7 our system of government the federal courts are
8 obligated to stay away from.

9 Having considered the offense conduct here and
10 the charges under 18 U.S.C. section 3553(a), and
11 having considered the guidelines as advisory, and
12 viewing this offense as extremely serious, it is the
13 judgment of The Court that the defendant, Faye W.
14 Kriete, is hereby committed to the custody of the
15 United States Bureau of Prisons for a term of ten
16 months. Upon release from imprisonment she shall be
17 placed on supervised release for a term of five
18 years. Within 72 hours of release from custody from
19 the Bureau of Prisons she shall report in person to
20 the probation office in the district to which he is
21 released. While on supervised release she shall not
22 commit any federal, state or local crimes, she shall
23 not unlawfully possess a controlled substance, and
24 shall not possess a firearm or destructive device.
25 There is a low risk of future substance abuse, so

1 the mandatory testing conditions are waived, but
2 that doesn't preclude the probation officer from
3 administering drug tests as deemed appropriate.

4 She shall comply with the standard conditions
5 of supervised release with the following special
6 conditions:

7 One, she shall participate in a program
8 approved by the probation officer for mental health
9 treatment, cost to be paid by the defendant as
10 directed by the probation officer.

11 Two, she shall not incur new credit charges or
12 open additional lines of credit without the approval
13 of the probation officer.

14 Three, she shall provide the probation officer
15 access to requested financial information.

16 Four, she shall participate in a program
17 approved by the probation office for financial
18 counseling, cost to be paid by the defendant as
19 directed by the probation officer.

20 Five, she shall apply all monies received from
21 income tax refunds, lottery winnings, inheritances,
22 judgments, and any anticipated or unexpected
23 financial gain to the outstanding court-ordered
24 financial obligation or lesser amount to be
25 determined by The Court upon recommendation of the

1 probation officer.

2 Six, the defendant is prohibited from engaging
3 in any aspect of the banking business, or in a
4 similar occupation where the defendant would have
5 access to the money of others.

6 Seven, the defendant is barred from having
7 contact with or communication with Mr. Kriete,
8 either directly or indirectly, or being within
9 500 yards of his person.

10 Considering all the financial factors and the
11 need for restitution the defendant is not capable of
12 paying a fine, but she is capable of making
13 mandatory restitution. Payments as to count one she
14 shall pay a special assessment in the amount of a
15 hundred dollars, which is due in full and payable
16 immediately. She shall make restitution to Chase
17 Manhattan Bank in the amount of \$15,075. Special
18 assessment and restitution shall be payable in full,
19 payable immediately, and payable in prison. Any
20 balance remaining unpaid on the special assessment
21 and restitution at the beginning of supervision
22 shall be paid by the defendant in installments of
23 not less than \$250 per month, or 25 percent of the
24 defendant's gross income, whichever is greater; the
25 Court finding that she is capable of making and

1 earning that money sufficient to make those
2 payments. Payments will begin 60 days after
3 supervision begins, and payment of any unpaid
4 balance shall become a special condition of
5 supervised release.

6 Is there a forfeiture?

7 MR. MOORE: No, Your Honor.

8 THE COURT: What is the position of the United
9 States on home confinement for any part of the
10 ten-month sentence?

11 MR. MOORE: I would submit that given the
12 aggravating factors that home confinement is not
13 appropriate.

14 THE COURT: What is the position of the United
15 States on self-surrender?

16 MR. MOORE: The government has no objection.

17 THE COURT: I am inclined to remand her
18 immediately.

19 MR. MOORE: Pardon me?

20 THE COURT: I am inclined to remand her
21 immediately. If she surrenders, it will be
22 surrender that occurs within a very short period of
23 time.

24 MR. MOORE: I have no objection to allowing
25 her to remain out through Christmas and remand after

1 the first of the year.

2 THE COURT: I think she needs to be
3 incarcerated at Christmas. I understand what it
4 means to have that kind of situation in your life.

5 MR. MOORE: Then there is really no point in
6 allowing self surrender, Your Honor. She might as
7 well --

8 THE COURT: I don't know if she needs to get
9 her act together.

10 MR. COLLINS: Certainly she has some of that to
11 get together, Judge. I would ask for a
12 self-reporting date. I would also ask The Court to
13 consider home incarceration for part of that
14 sentence. I am a little surprised at the
15 government's 180-degree change in position. The
16 facts haven't changed. And he at one point would
17 not have objected to home incarceration for the
18 entirety of the sentence. So I would ask The Court
19 to consider this. This is a 65-year-old woman.
20 Never been in trouble. Any time she does in jail
21 will be shockingly effective.

22 THE COURT: Yes, I am sure it is. I am not
23 going to grant the request for home confinement. I
24 don't think it is appropriate. The defendant shall
25 surrender for service of sentence at the institution

1 designated by the Bureau of Prisons before 2:00 p.m.
2 on -- what is this Tuesday? What is the date?
3 12th? No. Fourteenth. The 14th of December,
4 2010 at the facility notified by the Marshals. It
5 is the responsibility of the defendant to know the
6 place of incarceration and to get herself there. If
7 she can't get there, or there has been no
8 notification, she is to surrender before 2:00 p.m.
9 to the Marshal in this building.

10 Is there anything else that needs to be done in
11 this case?

12 MR. COLLINS: No.

13 MR. MOORE: No, Your Honor.

14 THE COURT: Ms Kriete, I am not suggesting that
15 there is reason for appeal or right of appeal, but
16 any appeal that is to be taken must be taken by
17 filing a written notice of appeal within 14 days of
18 this date of the judgment of The Court. If that is
19 not done by filing with the clerk in writing in that
20 period of time, then whatever right of appeal may
21 exist is lost forever. Do you understand what I
22 said?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Mr. Collins, are you retained?

25 MR. COLLINS: Yes.

1 THE COURT: Your responsibilities include
2 timely filing a notice of appeal if one is to be
3 filed. Again I am not suggestion one is available
4 or appropriate, and that does not obligate you to
5 handle the matter beyond that which you have agreed
6 to handle with your client.

7 MR. COLLINS: I understand.

8 THE COURT: Ms Kriete, I think the sentence is
9 necessary to deter you from future conduct, to
10 instill in you respect for the law, to protect the
11 public from any further activities of the kind
12 described in the offense conduct in the presentence
13 report.

14 The Court wishes us you well in the service of
15 your sentence. I specifically believe that it is
16 imperative that you serve part of your time over
17 Christmas holidays simply so you will have impressed
18 upon you what it is ever to commit a crime again.
19 With the hope that no one will ever -- no court will
20 ever see you again. Your job is to report on
21 Tuesday to the Marshal's office here if they haven't
22 given you a reporting time. Do you understand that?

23 THE DEFENDANT: Yes, sir, Your Honor.

24 THE COURT: If you don't do that, that is a
25 separate offense for which you can be prosecuted and

1 severely punished if convicted.

2 The Court wishes you well in the service of
3 your sentence and rehabilitation of your life.

4 Anything else that needs to be done?

5 MR. MOORE: No, sir.

6 MR. COLLINS: No, Your Honor.

7 THE COURT: Is the other case ready?

8 THE DEFENDANT: Brief recess, Your Honor.

9 THE COURT: Take a brief recess.

10 HEARING ADJOURNED.

11

12 THE FOREGOING IS A TRUE AND CORRECT TRANSCRIPT.

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14 GILBERT FRANK HALASZ, RMR

15 OFFICIAL COURT REPORTER

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